

EXHIBIT A



Devon Wenger

>

IMPORTANT: PLEASE READ: NEEDED FOR COURT

1 message

Devon Wenger

>

Sat, Apr 27, 2024 at 3:31 PM

To: "Candice L. Fields" <
Cc: my Mom

>, David Fischer

Candice and David,

The only thing I need from you for our meeting prior to court is the Subpoena for my Subscriber Information authored by FBI SA Krystal Templin. Please try and find this in Discovery, I know you both have already looked for it but please just double check. It is vital, I need it for Tuesday, thank you so much for your help.

Very Respectfully,

Devon Wenger



Devon Wenger

Lowther, Gary shared the folder "Wenger Investigation Copies IA21-012" with you.

6 messages

Lowther, Gary

To:

>

>,

"

Tue, Feb 28, 2023 at 11:44 PM



**Lowther, Gary shared a folder with
you**

Please use this file to review all material entitled to you pursuant to your Peace Officers Bill of Rights. If you have any issues accessing the file, please let me know. Also, please confirm receipt of this email and file access by responding.

Thank you.

Sergeant Gary Lowther



Wenger Investigation Copies IA21-012



This link will work for anyone.

Open



Privacy Statement

Devon Wenger
To: my Mom

Wed, Dec 13, 2023 at 8:36 PM

[Quoted text hidden]

Devon Wenger >
To: Candice Fields >
Cc: Samantha Gomez

Sun, Feb 25, 2024 at 12:00 AM

Exculpatory Evidence for UOF case. This will get the case dismissed.

Devon Wenger

Begin forwarded message:

From: Devon Wenger
Date: December 13, 2023 at 15:36:32 HST
To: my Mom <
Subject: Fwd: Lowther, Gary shared the folder "Wenger Investigation Copies IA21-012" with you.

----- Forwarded message -----

From: **Lowther, Gary** < **Lowther, Gary** >
Date: Tue, Feb 28, 2023 at 18:44
Subject: Lowther, Gary shared the folder "Wenger Investigation Copies IA21-012" with you.
To: < **Devon Wenger** > < **my Mom** >



Lowther, Gary shared a folder with you

Please use this file to review all material entitled to you pursuant to your Peace Officers Bill of Rights. If you have any issues accessing the file, please let me know. Also, please confirm receipt of this email and file access by responding.

Thank you.

Sergeant Gary Lowther



Devon Wenger

Reason to Dismiss: Army Awards Document

1 message

Devon Wenger

To: David Fischer

Cc: "Candice L. Fields"

Thu, May 9, 2024 at 5:03 PM

, my Mom

David,

Please read the below email articulating why I believe we have enough to file a successful Motion to Dismiss for both indictments, all references can be found in the dropbox. I'm still working on getting you a list of everytime an APD cruiser was seen by my parents house. Additionally, you can find my Army Enlisted Records Brief (ERB) and DD214 attached to this email articulating all of my awards, combat medals, unit assignments, and specialty schools. I will try and get you everything for APD as well in the coming days.

Facts Supporting Motion to Dismiss Based on Outrageous Government Conduct and Vagueness

07/06/2021: During shift at 2030 Lieutenant Robert Powell Meads asked me to come into his office while I was 7B at the PD. Discussion started out as how he wanted to 'clear the air' with me about my then girlfriend Kathaleen Kweder. Lieutenant Robert Powell Meads goes on describing his extramarital affair with Kathaleen Kweder in explicit sexual details about there past, and how there was a video of her giving oral sex to Meads. This video was accidentally shared on to the social media platform Snapchat to which Eric ROMBOUGH shared the video with Meads' wife, Lead Dispatcher Korina Meads. I go to stay at my parents house.

07/07/2021: The following day my then live-in girlfriend Kathaleen Kweder files an external IA complaint against LT Robert Powell Meads, ROMBOUGH, and Korina Meads. Kathaleen Kweder reported that she was being stalked and harrassed by LT Meads Wife, Korina Meads (Dispatch Manager @APD). Both Robert Powell Meads and Korina Meads were running her personal information through CLETS and using it to track her whereabouts.

07/08/2021: APD cruiser with tinted windows belonging to a K9 officer on vacation is seen driving past my parents house. My parents house is located in Oakley, miles outside of Antioch's city limits.

REF: GOMEZ CAMERA FOOTAGE

REF: BUSHBY K9 ON VACA (Devon took picture of Patrol Schedule)

07/27/2021: I am called to testify as a witness in the IA and interview with external investigator Karen Kramer. Prior to the interview, I am told by Captain Anthony Morefield not to 'talk, or else'. I spoke out anyway. I spoke out against LT Robert Powell Meads and Korina Meads (Dispatch Manager @APD) abusing the CLETS system to harass and stalk individuals. I spoke out against ROMBOUGH racists comments and unjustified use of force.

REF: Meads Memo

During the course of the investigation, it was determined that LT Robert Powell Meads utilized CLETS using SGT Joshua Evans' login/computer to run my then live-in girlfriend Kathaleen Kweder's name and my own personal info. Evans spoke out against LT Robert Powell Meads for doing so. Josh told me this sometime around August or September of 2021 No followup IA or IA report was given to me, not even my statement. I have called Karen Kramer multiple times to get

report. She stated she is waiting on permission from the City of Antioch to release my recorded testimony 04/2024.

REF: Meads Criminal Case 04002033108

10/26/2021: SGT Evans and I are involved in the arrest of stolen car suspect , in which Evans have verbal commands, I deployed the 40mm foam baton round from behind cover during a high risk traffic stop, and K9 Officer Patrick Mayer Deployed his dog without his body camera on. Please Note: Officer Devon Wenger is the only officer NOT USING PROFANITY during this arrest. Officer Wenger had been written up 11/20/2019 for specifically APD Policy 1001.3.4 Behavoir During Public Contact Employees shall: (d) Refrain from harsh, violent, coarse, profane or insolent language.

REF: FILE_6862 pg 5

REF: APD Policy Manual

11/02/2021: LT Meads generates a memo requesting an internally generated IA be started against Evans and I for the justified incident. Evans and I immediately state that the IA from Meads is retaliation for both of us speaking out against him

REF: Meads Memo

REF:APD Investigative Report IA21-012 (pg20 & pg26),

Recorded Interviews (WENGER & EVANS)

12/2021: Meads is placed on administrative leave based on evidence found from Officer Devon Wenger & Josh Evans Statement in the external IA complaint 07/27/2021. REF: Meads Criminal Case 04002033108

02/2022: I am notified by IA SGT Gary Lowther that I am to appear at the PD on 03/01/22 for an interview regarding the retaliatory IA from Meads. REF: Wenger IA Notice

03/03/2022: the interview is pushed to midday on this day. As I walk in, CPT Tony Morefield tells me I look 'big' and asks what I'm taking. I was the same size I always had been. During the interview with my attorney Julia Fox from RLS Lawyers, I speak out against the APD administration for them assisting with the retaliatory UOF IA from Meads and I advise that the only reason this IA exists is because it is overt retaliation from Meads that the department was condoning.

REF: Investigative Report IA21-012 (pg20 & pg26),

Recorded Interviews (WENGER & EVANS)

03/03/2022: I am introduced into the FBI and DA investigation as a subject solely based on the SUBPEONA FOR MY SUBSCRIBER INFORMATION, PRIOR TO THE SEIZURE OF ANY PHONES, the entirety of the investigation and indictments are a direct result of THIS SUBPEONA. Again, THIS WAS PRIOR TO THE MASS PHONE SEIZURES IN WHICH MY PHONE, AMIRI'S PHONE, HARRIS' PHONE AND OTHER OFFICERS' PHONES WERE SEIZED BY THE DA AND FBI. ALL PHONES WERE SEIZED ON THE SAME DAY. On the SAME DAY I spoke out against APD stating the UOF IA was retaliation, I was spawned into the FBI and DA parallel/joint investigation. This was the same day that FBI SA Krystal Templin allegedly provided the subpoena containing my subscriber information from sprint and provided it to Wallace. Wallace stated phone is subscribed to Devon C Wenger in the transcript from the warrant listed below:

"On March 3, 2022, SA Kristin Templin, FBI provided me with subscriber information via a subpoena for the following cellular telephone number: . The record check with Sprint revealed is subscribed to Devon C. Wenger, " (DCW76)

This subscriber subpoena has not been located in discovery. Additionally, it is impossible for this subscriber subpoena to exist for I have NEVER had a cell phone line nor a cell phone subscribed to my name. I have utilized my mother's account since I was roughly the age of 14, the account is solely under my mother's name and control. The subscriber information for the phone number is subscribed to SAMANTHA THOMAS-GOMEZ at the address. Sprint informed my Mother Samantha that there had been NO law enforcement inquiries NOR law enforcement activity on her account EVER.

Moreover, I reached out to Apple regarding my Apple account and iCloud account. Apple informed me there had been NO law enforcement inquiries NOR law enforcement activity on my account EVER.

REF: DCW76

REF: Subscriber Info from Sprint/T-Mobile & Receipt for phone that was seized

REF: Apple's Notification for iCloud

03/23/2022: ALL OFFICERS' PHONES ARE SEIZED ON THE SAME DAY AT THE SAME EXACT TIME BY THE FBI AND DA'S OFFICE. MY PHONE, AMIRI'S PHONE, AND DAN'S PHONES ARE ALL SEIZED AT THE SAME TIME ON THE SAME DAY. I am immediately placed on the Brady list by DA Diane Becton on 03/23/22 as well. According to the unredacted Text Message report that Wallace leaked to the public, this is a list of which officers' phones were seized and by which agency: WARRANTS written for Officers:

*SA Zoback FBI wrote warrants for:

PPD Armando Montalvo

PPD Patrick Burhon

APD (Former PPD) Timothy Manly Williams

APD Amiri, Morteza

APD Nicholas Shipilov

APD Eric ROMBOUGH

APD Daniel Harris

APD Calvin Prieto

DA Inspector Larry Wallace Contra Costa County District Attorney's Office warrants for:

PPD Willie Glasper (No PC listed in Wallace warrant. Charges filed by DA, CHARGES DISMISSED)

PPD Brauli Rodriguez Jalapa

PPD Ernesto Juan Mejia-Orozco

PPD James Robert Anderson PPD

APD Benjamin Padilla

APD Eric Rombough

APD ME Devon Wenger - No PC listed in Wallace warrant

APD Andrea Rodriguez

(The above information is in REFERENCE TO DA INSPECTOR WALLACE's WENGER WARRANT and UNREDACTED DA INSPECTOR WALLACE's text message report)

Here is the probable cause listed in the DA's warrant by the name of each officer:

List OFFICERS the DA has PC listed for:

APD (former PPD) Timothy Manly Williams (PLEAD GUILTY): wiretap misconduct, Informant for Zoback, steroids, dealt drugs stolen from people he arrested, forged signature for tickets

APD Daniel Harris: sold steroids to **Manly** on 2 occasions, payment via Venmo/Zelle, received steroids from unknown doctor in Florida

APD ROMBOUGH: excessive force May 5th, 2021 **Manly** and Amiri compared him to officer on TikTok. Additionally, he was an officer involved in the OIS on Dove Ct in Antioch on 12/10/21 (APD Duggar, McDonald, SGT Chang: All discharged weapons in Dove Ct incident.)

PPD Berhan(PLEAD GUILTY): sold steroids to **Manly**, anonymous letter(from ex-fiancé), buying /selling steroids from unknown doctor in Florida..."A lot of other officers involved locally" (final line from letter). School fraud and finally he text amiri to airstrike the suspect on dove court.

APD Amiri: Roommates with **Manly**, according to **Manly**, Amiri buys/smokes large amount of marijuana, ingests edibles, cookies, and hashish oil, purchased steroids from unknown doctor in Florida(prescription), joked about killing Antioch Mayor Lamar Thorpe with **Manly**, text Berhan during Dove court incident.

PPD Ernesto Juan Mejia Orozco and APD Benjamin Padilla: Orozco asked **Manly** to ask Padilla to shred a speeding ticket for a cop friendly Pittsburg store owner

PPD James Anderson: Sold steroids to **Manly**, destroyed traffic ticket for **Manly**

PPD Armando Montalvo: Facilitated the third party sale of steroids to **Manly** for a minimum of \$400

APD Prieto: facilitated the bribe of 3 Bottles of resposada tequila from **Manly** to APD Rodriguez

APD Rodriguez: Received 3 bottles of resposada tequila for not attending traffic court from **Manly**

PPD BRAULI-Rodriguez: sold steroids (deca-durabolin) to PPD Berhan in past

APD Shipilov: text Tjahadi and K-9 team to create a new chat in signal per info from APD Gonzalez (obtained from AMIRI'S iCloud)

NOTE: APD Devon Wenger (ME) is not listed, no PC exists in this warrant for me

***The above information can be found in the body of the DA's warrant from pages DCW72 to DCW75.

NO PC IN WALLACE WARRANT 03/22: **NO PROBABLE CAUSE LISTED** ABOUT ME IN BODY OF WARRANT SPECIFICALLY TO THIS POINT:

"SA Zoback (FBI) provided me with a copy of the pertinent texts and information from Officer Daniel Harris iCloud, Officer Williams iCloud, Officer Berhan, and Officer Amiri's i-Cloud that support the above listed allegations. I reviewed all of the above listed pertinent texts and Venmo account transactions for the above listed officers. Listed below are summaries of the text messages, photographs, Venmo transactions, and screen shots sent from one officer to the other to **further demonstrate the probable cause** for the below listed officer. All times are approximate" (REF: DCW 75 & 76)

DA Warrant then states:

"On March 3, 2022, SA Kristin Templin, FBI provided me with subscriber information via a subpoena for the following cellular telephone number: . The record check with Sprint revealed is subscribed to Devon C. Wenger, " (DCW76)

(REF DCW76) (Show T-Mobile/Sprint LE inquiry showing no LE inquiries into the account AND that the account is under MOM's name ONLY: NO SUBPOENA IN DISCOVERY.

Then an unrelated Venmo transaction (which was for gym equipment and a wooden gear hanger) from 10/20/2020 that Wallace states is a steroid transaction with no PC or other information justifying this statement. (REF DCW76)

DCW76 to DCW78 states probable cause based on text messages seized from Dan's iCloud by the FBI, however no probable cause is listed as to justify why the FBI searched the messages between Dan and I. The only justification listed is the SUBPEONA FOR SUBSCRIBER INFORMATION obtained by DA Krystal Templin and provided to Senior DA Inspector Larry Wallace. Again, this was prior to the seizure of ANY phones, including my phone, Harris', and Amiri's as well. Text messages for the DA's warrant were obtained via iCloud by the FBI.

DA warrant then states on DCW78:

Package warrant authored by SA Zoback (FBI) and executed by SA Zoback, SA Templin, SA Delgado-Campos and the postal inspector. Package was sent FROM: IRON REBEL INDUSTRIES TO: DANNY MOORE (redacted address) aka Daniel Harris (allegedly). **NOT ME.** (REF: DCW78)

Contained within Dan's Alleged Package (REF: DCW78):

1 package Anadrol-50
 12 bottles **Testosterone Cypionate** C300 GREY CAP
 6 bottles Trenbolone A100 RED CAP
 3 bottles Testosterone P 100 PURPLE CAP

Additionally, according to the DEA, Testosterone Cypionate manufactured in FLORIDA is EXEMPT from the 'schedule-III' list as of 2020 (REF: DEA EXEMPT PDF LIST)

*****NOTE: THE PACKAGE DOES NOT CONTAIN TESTOSTERONE ENANTHATE*****
(REF:DCW78)

PG DCW 79: Your affiant and members of the Contra Costa County District Attorney's Office **are also conducting a parallel state investigation** into the above listed individuals for violations of the following: California Penal Code (PC) sections 182(5), criminal conspiracy to commit any act

injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of laws; PC 115(a) knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office with this state; PC70, solicitation or acceptance of gratuities by public officer or employees; H&S 11350, possession of controlled substances; H&S 11351, possession for sale of controlled substances; H&S 11352 sales of controlled substances; and PC 149, assaults by officers under color of authority.

PG DCW 82 ALLOWS FOR THE SEARCH OF ANY AND ALL DATA CONTAINED IN WENGER'S PHONE AND ALLOWS OFFICER DISCRETION TO DETERMINE WHAT SEARCHED DATA IS RELEVANT TO A CRIME. No elements of any of the listed accused crimes for the warrant are satisfied within any information contained within the DA's Warrant regarding ME.

03/23/2022: The same day my phone is taken the FBI states that if I talk to them, I can have my phone back. I talk to the FBI and tell them about how what I was taking was LEGAL and what they were accusing me of taking was LEGAL to which they told me "we don't give a shit about that". I also speak out against ROMBOUGH, against APD's retaliation, and I speak out against LT Meads to which SA Zoback and SA Templin told me to "write a fucking book".

DA Reporting Brady List REF: FILE_6862 pg66

03/2022: Meads is terminated but is hired by APD as a contractor for unknown secret projects. Meads is also charged with a misdemeanor and pleads guilty to computer fraud charges. This was never told to POST and his only punishment was a \$1000 fine. REF: Meads Criminal Case 04002033108

03/2022: IA SGT Lowther states that my use of force was within law and policy, additionally he states that the use of the 40mm baton round was a form of deescalation give per APD policy given the potentially deadly, high threat circumstances of the high risk traffic stop of a non-compliant felony subject. The report is never given to me, my attorney, the DA's office, nor the FBI.

11/2022: APD notifies me that they are tolling the IA. They later said in a different letter that they were 'reopening' the IA. APD states they were tolling the retaliatory UOF IA because they received a copy of text messages from the DA's office that were seized from my phone. APD further stated that the text messages were between SGT Joshua Evans and I and that I would need to be interviewed regarding the incident. However, the IA had already passed it's one year period and could not be reopened or tolled for it was expired.

12/21/2022: FBI SA Thuy Zoback receives my retaliatory UOF report and my 40mm training documents from the DA's office which was provided to them by APD. Reports were time stamped 11/07/2022, 1427hrs. reports were never entered as evidence they were reported as 'OTHER' into the FBI case file by SA Zoback.

REF: DCW001

02/26/2023: DA provided additional seized text messages from my phone from 10/2021-03/2022 to APD without warrant. APD continued to investigate me on this in a administrative parallel investigation as well as investigating me on the retaliatory UOF IA.

REF: IA Subject Officer Notice-Wenger - Second Interview

03/2023: FBI SA Thuy Zoback and SA Krystal Templin fly out to Fort Bragg North Carolina to interview my friend and witness in the steroid case Brendon Mahoney while he is attending the Special Forces Qualification Course.

REF: Brendon Mahoney

04/2023: DA Senior Inspector Larry Wallace 'leaks' unflattened text message reports to the media. Wallace

then retracts the leaked documents, properly flattens them and ‘leaks’ the documents again. All of my personal information was leaked to which I was harassed by people online and via phone calls. The only thing I stated in the report was that I did not like body cams.

REF: MEDIA RELEASED TEXT MESSAGE REPORT UNREDACTED

05/19/2023: FBI SA Munmeet writes a search warrant for the forensic download of my phone from the DA's office and utilizing the method of Parallel Construction, reconstructs how I was spawned into the investigation, omitting and covering up the subscriber subpoena from FBI SA Krystal Templin, Senior DA Inspector Larry Wallace, text messages between HARRIS AND I obtained via iCloud by SA Zoback, the Venmo transaction BETWEEN HARRIS AND I obtained by SA Zoback, and all other investigative incidents. REF: DCW046

JUST LIKE IN DA WARRANT: SA Munmeet fails to state any probable cause TO JUSTIFY WHY THEY LOOKED AT MY MESSAGES IN HARRIS' AND AMIRI'S PHONES SPECIFICALLY. AGAIN, I WAS NOT NAMED BY INFORMANT, LETTER, OR ANYTHING. THE ONLY THING NAMING ME IS THE DA WARRANT to which SA Munmeet states they are not relying on. Yet, SA Munmeet is writing a warrant for the fruits of the DA's Warrant, the forensic download of my seized cellular telephone.

“10. During the course of this investigation, the personal cellular telephone of DEVON WENGER, was seized pursuant to a state warrant executed on March 23, 2022, by the Contra Costa County District Attorney's Office. The state warrant is attached as Exhibit 1. **I am not relying on either the existence of the state warrant or the results of any prior search to support probable cause for this warrant.** 11. As described in more detail below, **based on evidence seized from the cellular phones of AMIRI and HARRIS, there exists probable cause to believe that evidence of the Target Offenses exists in the Target Data associated with WENGER.**” (REF: DCW50)

“13. While agents searched the personal cellular devices pursuant to the aforementioned search warrants, including the devices of AMIRI and HARRIS, agents observed numerous conversations between WENGER, AMIRI, and other officers about the use of force.” (DCW 50)

SA Munmeet OMITS the ‘pertinent’ information provided to DA Inspector Wallace by SA Zoback and OMITS the true origin in which I was spawned into this investigation which was the SUBSCRIBER INFORMATION SUBPOENA provided to DA Inspector Wallace by SA Krystal Templin. (REF: DCW 75 & 76) Additionally, SA Munmeet omits the fact that all phones were seized on the same day and omits that the FBI utilized text messages seized from Officers’ iClouds as probable cause prior to the seizure of any phones to justify seizing Officers’ Phones. SA Munmeet also fails to state any Probable Cause justifying the search of my private individual conversations with Amiri and Harris separately.

There are no direct communications between ROMBOUGH and I. There are however at least 2 documented instances with both APD IA and the FBI where I directly spoke out against ROMBOUGH. I spoke out to the FBI about a use of force ROMBOUGH did in which he subsequently was indicted on.

FBI warrant later states:

“On March 23, 2022, investigators conducted a non-custodial interview of WENGER. In this interview, WENGER indicated that in 2021 he contracted COVID- 19 and as a result was experiencing muscle weakness. WENGER explained that he reached out to APD officer HARRIS who advised him to take anabolic steroids. WENGER stated that he did in fact purchase steroids from HARRIS, approximately totaling 30cc of testosterone. WENGER claimed he began to

feel normal after a couple of weeks and did not take any additional steroids after he finished the quantity provided by HARRIS. Notably, by WENGER's own admission he consumed steroids for a short period of time in the year 2021." (REF DCW56)

This is the interview I conducted with SA Zoback and SA Templin where they told me that if I talked to them, I would get my phone back. SA Munmeet is OMITTING EXCULPATORY information while stating untrue information about what I stated. An example of this is where SA Munmeet OMITS that I stated what I took was **LEGAL and also where I SPOKE OUT AGAINST ERIC ROMBOOUGH for a UOF which he ended up getting **INDICTED ON**. I also spoke out against APD's retaliation against ME and LT MEADS as well.**

FBI warrant **THEN** states regarding **DAN'S** package **CONTENTS**:

"...sent to the Western Laboratory in Pleasanton, California for testing. A group of these bottles tested positive for **Testosterone Enanthate**, which is a **Schedule III narcotics under Section 812 of the Controlled Substances Act**." (REF DCW56)

SA Munmeet Kuar Kular **CHANGED** the **contents** of the package to from what is stated in the DA's warrant and adds **TESTOSTERONE ENANTHATE** which **as of 2020 ACCORDING TO THE DEA is EXEMPT** from being considered a **Schedule III narcotics ALONG WITH TESTOSTERONE Cypionate** (stated in DA's Warrant) **BOTH OF WHICH ARE MANUFACTURED IN FLORIDA (Reference DEA PDF)**

05/30/2023: SA Munmeet and SA Templin obtain initial forensic download of my phone from DA's Office. REF DCW45

06/2023: I am contacted by APD and advised that I am to report on the same day, to which I decline and set a date to meet them.

06/05/2023: I meet with APD CPT Anthony Morefield, the HR director Ana Cortez and another HR representative. Morefield serves me with IA notice documents which state that the DA's office provided APD with all of my text messages from 2019 to 2022, and that APD was conducting an IA investigation based on the text messages and were also investigating the retaliatory use of force that had already been closed out and expired. Additionally, APD was investigating me for not obeying Morefield's order to report in the same day when he had originally contacted me. I subsequently blew the whistle on Morefield's retaliatory misconduct via my resignation letter and in person. A Charge of Discrimination was granted by the EEOC at a later date for APD's retaliation on my behalf.

"Specifically, it has been alleged that you may have sent, received and acknowledged racially biased communications and photographs, over a personal communication device (PCD) to another employee(s) of the City on multiple occasions, while on-duty and off-duty, **from September 2019 thru January 2022. This information was provided by the Contra Costa County District Attorney's office** as part of a larger investigation." Captain Anthony Morefield.

06/05/2023: That same day I submitted my resignation letter to Morefield and I provided a copy to Ana Cortez as well. The letter stated I was resigning due to the department's harassment, retaliation (UOF IA, FBI/DA Investigation), and other inappropriate/ illegal workplace actions taken against me. Meads' charges were dismissed 06/05/2023

REF: DEVON RESIGNATION LETTER (signed received by Chief Ford)

REF: Meads Criminal Case 04002033108

REF: APD_DEVONSADMIN_DISCPLINE

REF: EEOC Charge of Discrimination

07/11/2023: FBI SA Krystal Templin obtained a second copy of the forensic download of my phone and entered it into evidence at a later date.

REF: DCW094

07/26/2023: FBI SA Armando Delgado-Campos states in a document that he obtained and uploaded via a CD the retaliatory UOF reports, blue team report, and all BWC footage regarding the same retaliatory UOF APD was investigating me on and the same exact material SA Zoback already obtained on 12/21/2022. The reports SA Delgado-Campos provides are dated and time stamped 11/07/2022 at 1427 hours, the exact same as SA Zoback.

REF: DCW095

08/17/2023: I am indicted by the FBI on the same text messages and retaliatory UOF APD was investigating me on. Additionally, I am indicted on deleting my own text messages prior to any notification of a search warrant for my phone and am alleged to have 'conspired' to possess with intent to distribute steroids (to Mahoney) steroids that I never possessed nor tried to distribute to anyone. FBI alleged it was testosterone Enanthate from a doctor in Florida (which was never on Wallace warrant) which is also an exempt from being a controlled substance per the DEA and is legal as of 2020.

However, there is no specific civil right listed that I allegedly conspired to violate. Moreover, there is no specific civil right listed that I violated during the retaliatory UOF. Finally, there is no specific steroid listed that I was conspiring to possess and intending to distribute. The charges are vague and lack specificity as to what civil rights specifically I violated and conspired to violate, additionally the charges lack specificity as to what 'steroids' I was conspiring to possess with intent to distribute.

REF: DEA EXEMPT LIST

In Conclusion: APD retaliated against me for speaking out against LT Meads and CPT Morefield by generating an internal IA Complaint for a justified use of force (UOF). APD did this by tolling, reinvestigating, and reopening the retaliatory IA. While that was occurring, the same day I spoke out against CPT Morefield, I was spawned into the FBI and DA investigation as a subject solely based on a PERJURED Subscriber Subpoena by FBI SA Krystal Templin.

FBI Special Agents then utilized this perjured information to justify searching and seizing text message conversations from Daniel Harris' iCloud that occurred between Harris and I. They also used this perjured information to obtain a Venmo transaction between Harris and I from 2020 and falsely stated it was a 'steroid transaction' with no probable cause to justify the claim. FBI SA Thuy Zoback then provided this information to Senior Inspector Larry Wallace who then utilized this PERJURED and FALSIFIED information as probable cause to perjure a recklessly impermissibly overbroad and exploratory search warrant to undermine not only my 4th amendment right my fundamental right to procedural and substantive due process by depriving me of my right to my property and privacy via the seizure of my cellular telephone and all information contained within.

The FBI continued to investigate me regarding the retaliatory UOF and even flew Special Agents out to North Carolina to interview Brendon Mahoney prior to their warrant for the forensic download of my phone.

Senior Inspector Larry Wallace then leaked my personal information and text messages which he illegally obtained to the public. A Contra Costa Judge also named me to the general public based on the same information provided and obtained by Wallace.

FBI SA Munmeet Kuar Kular and SA Krystal Templin then attempted to conceal subscriber information subpoena, which is the sole origin of how I was introduced to the investigation by utilizing the method of Parallel Construction. The Agents utilized this method by authoring a search warrant for the forensic download of my phone from the DA's office and completely reconstruct how I was introduced into the investigation by PURJERING a search warrant for the forensic download of my phone which was illegally seized based on PERJURD and FALSIFIED information from SA Templin, SA Zoback, and DA Inspector Wallace from the beginning.

Once I submitted my resignation letter to APD, the FBI then reentered the same retaliatory use of force incident that APD was continually internally investigating me on.

The FBI then utilized the evidence they seized from PERJURED and FALSIFIED legal documents, as well as the evidence and documents from APD's retaliatory UOF (which SA Zoback and SA Templin knew was retaliation because I told them during the interview) and had me indicted on charges that are vague. The entirety of these indictments, the investigation against me, and all evidence collected is based on a PERJURED subscriber subpoena and PERJURED AND FALSIFIED evidence/documents by the same FBI Agents who had me indicted. To which the same FBI agents intentionally attempted to cover up in their search warrant authored by SA Munmeet. This is a complete violation of my right to due process and completely undermines the fundamental fairness of the justice system. This behavior on behalf of the government is outrageous, shocking, and illegal.

IMPORTANT NOTES:

Parallel Construction Defined according to the NACDL: Parallel Construction (aka evidence laundering) can be defined as: Measures taken by a government body.... With the intent of concealing the true origins of evidence. ... By deliberately creating an alternative explanation for how the investigation began (or evidence was found).

*****MY TEXT MESSAGES WERE TAKEN FROM DAN'S ICLOUD PRIOR TO THE SEIZURE OF ANY PHONES. TEXT MESSAGES SEIZED FROM DAN'S ICLOUD WERE USED AS PROBABLE CAUSE IN BOTH THE DA AND FBI WARRANTS, HOWEVER, THERE'S NO PROBABLE CAUSE LISTED AS TO WHY THEY SEARCHED DAN'S ICLOUD AND SPECIFICALLY SELECTED ME (DEVON WENGER) IN ANY WARRANT NOR IN ANY DOCUMENT. THIS PROBABLE CAUSE IS ABSENT AND IS NOT LISTED IN ANY WARRANT OR DOCUMENT. I WAS NOT NAMED BY INFORMANT, LETTER, OR ANYTHING!*****

******NOTE: DA SENIOR INSPECTOR LARRY WALLACE WAS A FORMER AIDE TO VICE PRESIDENT KAMALA HARRIS WHILE SHE WAS RUNNING FOR PRESIDENT AND WORKED FOR HER SINCE HER TIME AS DISTRICT ATTORNEY OF SAN FRANCISCO. WALLACE WORKED UNDER KAMALA HARRIS FOR APPROXIMATELY 12 YEARS ACCORDING TO HIS PUBLIC LINKEDIN PROFILE. DURING HIS TENURE AS KAMALA HARRIS' AIDE, WALLACE WAS ACCUSED AND SETTLED IN CIVIL COURT FOR SEXUALLY HARASSING A WOMAN WHO WORKED AS HIS SUBORDINATE. THE CIVIL LAW SUIT COURT DOCUMENTS REVEAL THAT WALLACE SEXUALLY HARASSED A WOMAN WHO WORKED FOR HIM AND WHEN SHE MADE A COMPLAINT, WALLACE FALSIFIED AN INTERNAL INVESTIGATION AGAINST THE WOMAN HE WAS HARASSING AND FABRICATED EVIDENCE AGAINST THE WOMAN IN ORDER TO COVER UP HIS OWN MISCONDUCT. DESPITE WALLACE'S COURT PROVEN DISHONESTY AND MISCONDUCT, CONTRA COSTA COUNTY DISTRICT ATTORNEY DIANE BECTON HIRED WALLACE AS A DISTRICT ATTORNEY INSPECTOR, HOWEVER, IN ORDER TO BYPASS THE POST REQUIRED HIRING STANDARDS AND PRACTICES TO WHICH WALLACE'S MISCONDUCT WOULD'VE DISQUALIFIED HIM, BECTON HIRED WALLACE INTO A 'TEMPORARY' POSITION IN 2019. THIS WAS A TEMPORARY INSPECTOR POSITION**

WHICH HAD A CAP OF ONE YEAR, WALLACE QUIETLY RETIRED AS A SENIOR INSPECTOR SOMETIME MID-2023, ROUGHLY 4 YEARS LATER AND ONLY AFTER HE 'LEAKED' THE TEXT MESSAGE REPORT TO THE PRESS WITHOUT REDACTING IT. RELEASING THE NAMES, PERSONAL TEXT MESSAGES, AND PERSONAL INFORMATION OF THE OFFICERS UNDER INVESTIGATION TO WHICH THESE INDICTMENTS WERE A DIRECT RESULT****

2 attachments

 ERBWENGER DEVON CHRISTOPHER.pdf
533K

 DD214.pdf
102K



Devon Wenger

Differing Narratives: Parallel Construction

1 message

Devon WengerTo: Candice Fields
Cc: my Mom

, David Fischer

>

TEAM PLEASE REVIEW THIS EMAIL THOROUGHLY ALL REFERENCES CAN BE LOCATED IN THE DROPBOX, LINK IS LISTED BELOW

"Parallel construction (aka evidence laundering) can be defined as: Measures taken by a government body.... With the intent of concealing the true origins of evidence. ... By deliberately creating an alternative explanation for how the investigation began (or evidence was found)." ~ Attorney Sarah St Vincent Parallel Construction Webinar, NACDL

ATTORNEY SARAH ST VINCENT STATES SUBSCRIBER INFORMATION AND SUBPOENAS FOR CALL RECORDS ARE BOTH METHODS ON HOW FEDERAL LAW ENFORCEMENT C FOR THE FBI STATES THEY SEARCHED DAN AND AMIRI'S PHONES AND THATS HOW I BECAME INVOLVED! APD'S PARALLEL CONSTRUCTION STATES IT WAS THE DA AS TO W

The Differing Narratives:

APD NARRATIVE 06/23:



ANTIOCH POLICE DEPARTMENT

Memorandum

TO: Anthony Morefield, Field Services Captain

FROM: Officer Devon Wenger #E5898

DATE: June 2, 2023

SUBJECT: AMENDED NOTICE OF INTERNAL AFFAIRS INVESTIGATION (IA)

The City of Antioch is conducting an administrative investigation into allegations that you may have engaged in conduct that could be grounds for discipline. Specifically, it has been alleged that you may have sent, received and acknowledged racially biased communications and photographs, over a personal communication device (PCD) to another employee(s) of the City on multiple occasions, while on-duty and off-duty, from September 2019 thru January 2022. This information was provided by the Contra Costa County District Attorney's office as part of a larger investigation. You also failed to comply with a lawful directive or order given to you. The City of Antioch has hired an independent outside investigator to determine if your actions constitute violations of the following Antioch Police Department policies:

"Specifically, it has been alleged that you may have sent, received and acknowledged racially biased communications and photographs, over a personal communication device (PCD) to another of my phone ABSENT A WARRANT OR ANY DOCUMENTATION OF SUCH. This constitutes gross EVIDENCE MISHANDLING."

Additionally, I sent in my resignation letter shortly after this 06/23, APD then sent over all materials they were investigating me on to the FBI for them indict me, materials sent to the FBI 07/23,

03/21 APD Officer Timothy Manly-Williams conducted wiretap misconduct while working a wire during his shift. From 03/21 until 05/13/21 APD wiretapped his phone and others (see wire tap only 4 days later, Zoback wrote a federal search warrant for Manly-Williams' phone granted by the Honorable Thomas Hixon, northern district of California. Zoback then used Manly-Williams a

"On May 13, 2021, at approximately 4:04 p.m., Officer Eric Rombough, APD, texted Officer Morteza, APD, "Sorry bro, keep your distance from him." "No its something criminal". "His phone is

***SEE ALSO in the retaliatory UOF IA tolling letters where it states text message conversations between SGT Joshua Evans and I were located in my phone by the DA and provided to APD, APD t

APD was conducting a PARALLEL administrative investigation into the incident as well. BOTH AMIRI and ROMBOUGH were interviewed by APD prior to the indictments for the exact things the CHARGED WITH CRIMES AS A RESULT OF THE DA INVESTIGATION.

IN TOTAL, THERE WERE 3 DIFFERENT INVESTIGATIONS PARALLEL TO ONE ANOTHER HAPPENING FROM 3 DIFFERENT AGENCIES (APD, DA, & FBI) TO WHICH ALL THREE FROM BOTH WITH DA AND ALL INVOLVED AGENCIES).

DA NARRATIVE 03/22:

****NOTE: DA SENIOR INSPECTOR LARRY WALLACE WAS A FORMER AIDE TO VICE PRESIDENT KAMALA HARRIS WHILE SHE WAS RUNNING FOR PRESIDENT AND WORKED FOR HARRIS. WALLACE WAS ACCUSED AND SETTLED IN CIVIL COURT FOR SEXUALLY HARASSING A WOMAN WHO WORKED AS HIS SUBORDINATE. THE CIVIL LAW SUIT COURT DOCUMENTED AGAINST THE WOMAN IN ORDER TO COVER UP HIS OWN MISCONDUCT. DESPITE WALLACE'S COURT PROVEN DISHONESTY AND MISCONDUCT, CONTRA COSTA COUNTY BECTON HIRED WALLACE INTO A 'TEMPORARY' POSITION IN 2019. THIS WAS A TEMPORARY INSPECTOR POSITION WHICH HAD A CAP OF ONE YEAR, WALLACE QUIETLY PROVIDED INFORMATION OF THE OFFICERS UNDER INVESTIGATION TO WHICH THESE INDICTMENTS WERE A DIRECT RESULT****

MY TEXT MESSAGES WERE TAKEN FROM DAN'S ICLOUD PRIOR TO THE SEIZURE OF ANY PHONES. TEXT MESSAGES SEIZED FROM DAN'S ICLOUD WERE USED AS PROBABLE CAUSE IS ABSENT AND IS NOT LISTED ANYWHERE.

Additionally, according to the FOURTH AMENDMENT AND SUBSEQUENT CASE LAW, the DA's warrant is an over-broad, general, particularity and specificity lacking. Probable cause absent, DATA IS RELEVANT TO A CRIME. No elements of any of the listed accused crimes for the warrant are satisfied for the TARGET OFFICER DEVON WENGER within any information contained

PG DCW 79: Your affiant and members of the Contra Costa County District Attorney's Office are also conducting a parallel state investigation into the above listed individuals for violations of the registered, or recorded in any public office with this state; PC70, solicitation or acceptance of gratuities by public officer or employee; H&S 11350, possession of controlled substances; H&S

NO PC IN WALLACE WARRANT 03/22: NO PROBABLE CAUSE LISTED ABOUT ME IN BODY OF WARRANT SPECIFICALLY TO THIS POINT:

"SA Zoback (FBI) provided me with a copy of the pertinent texts and information from Officer Daniel Harris iCloud, Officer Williams iCloud, Officer Berhan, and Officer Amiri's i-Cloud that support the probable cause for the below listed officer. All times are approximate" (REF: DCW 75 & 76)

DA Warrant then states:

"On March 3, 2022, SA Kristin Templin, FBI provided me with subscriber information via a subpoena for..." (REF DCW76) (Show T-Mobile/Sprint LE inquiry showing no LE inquiries into the ac

Then an unrelated Venmo transaction (which was for gym equipment and a wooden gear hanger) from 10/20/2020 that Wallace states is a steroid transaction with no PC or good reason, false

DA warrant later states:

Package warrant authored by SA Zoback(FBI) Package was sent FROM: IRON REBEL INDUSTRIES TO: DANNY MOORE (redacted address) aka Daniel Harris (allegedly). NOT ME. (REF: DCW78)

Contained within Dan's Alleged Package (REF: DCW78):

1 package Anadrol-50
12 bottles Testosterone Cypionate C300 GREY CAP
6 bottles Trenbolone A100 RED CAP
3 bottles Testosterone P 100 PURPLE CAP

Additionally, according to the DEA, Testosterone Cypionate manufactured in FLORIDA is EXEMPT from the 'schedule-III' list as of 2020 (REF: DEA EXEMPT PDF LIST)

NOTE: THE PACKAGE DOES NOT CONTAIN TESTOSTERONE ENANTHATE (REF: DCW78)

List OFFICERS the DA has PC listed for:

APD (former PPD) Timothy Manly Williams (PLEAD GUILTY): wiretap misconduct, Informant for Zoback, steroids, dealt drugs stolen from people he arrested, forged signature for tickets

APD Daniel Harris: sold steroids to Manly on 2 occasions, payment via Venmo/Zelle, received steroids from unknown doctor in Florida

APD ROMBOUGH: excessive force May 5th, 2021 Manly and Amiri compared him to officer on TikTok. Additionally, he was an officer involved in the OIS on Dove Ct in Antioch on 12/10/21 (final)

PPD Berhan (PLEAD GUILTY): sold steroids to Manly, anonymous letter (from ex-fiancé), buying /selling steroids from unknown doctor in Florida..."A lot of other officers involved locally" (final)

APD Amiri: Roommates with Manly, according to Manly, Amiri buys/smokes large amount of marijuana, ingests edibles, cookies, and hashish oil, purchased steroids from unknown doctor in L

PPD Ernesto Juan Mejia Orozco and APD Benjamin Padilla: Orozco asked Manly to ask Padilla to shred a speeding ticket for a cop friendly Pittsburg store owner

PPD James Anderson: Sold steroids to Manly, destroyed traffic ticket for Manly

PPD Armando Montalvo: Facilitated the third party sale of steroids to Manly for a minimum of \$400

APD Prieto: facilitated the bribe of 3 Bottles of reposada tequila from Manly to APD Rodriguez

APD Rodriguez: Received 3 bottles of reposada tequila for not attending traffic court from Manly

PPD BRAULI-Rodriguez: sold steroids (deca-durabolin) to PPD Berhan in past

APD Shipilov: text Tjahadi and K-9 team to create a new chat in signal per info from APD Gonzalez (obtained from AMIRI'S iCloud)

NOTE: APD Devon Wenger (ME) is not listed, no PC exists in this warrant for me

WARRANTS written for Officers:

*SA Zoback FBI wrote warrants for:

PPD Armando Montalvo
 PPD Patrick Burhon
 APD (Former PPD) Timothy Manly Williams
 APD Amiri, Morteza
 APD Nicholas Shipilov
 APD Eric ROMBOUGH
 APD Daniel Harris
 APD Calvin Prieto

DA Inspector Larry Wallace Contra Costa County District Attorney's Office warrants for:

PPD Willie Glasper (No PC listed in Wallace warrant. Charges filed by DA, CHARGES DISMISSED)
 PPD Brauli Rodriguez Jalapa
 PPD Ernesto Juan Mejia-Orozco
 PPD James Robert Anderson PPD
 APD Benjamin Padilla
 APD Eric Rombough
 APD ME Devon Wenger - No PC listed in Wallace warrant
 APD Andrea Rodriguez

(The above information is in REFERENCE TO DA INSPECTOR WALLACE's WENGER WARRANT and UNREDACTED DA INSPECTOR WALLACE's text message report)

FBI NARRATIVE 05/23-06/23:

"10. During the course of this investigation, the personal cellular telephone of DEVON WENGER, was seized pursuant to a state warrant executed on March 23, 2022, by the Contra Costa County Sheriff's Office. The warrant was issued based on probable cause that evidence of the Target Offenses exists in the Target Data associated with WENGER." (REF: DCW50)

Special Agent Munmeet Kuar Kular attempts to RECREATE THE EVIDENTIARY TRAIL in this warrant by omitting the fact that the FBI, specifically SA Thuy Zoback seized Manly-William's phone. SA Munmeet Kuar Kular referred to as an 'ANONYMOUS LETTER' and misrepresented the contents of the letter. SA Zoback did this to develop PC for her unrestricted ICLOUD SEARCHES ON 76)

FBI warrant later states:

"On March 23, 2022, investigators conducted a non-custodial interview of WENGER. In this interview, WENGER indicated that in 2021 he contracted COVID- 19 and as a result was experiencing muscle weakness. WENGER explained that he reached out to APD officer HARRIS who advised him to take anabolic steroids. WENGER stated that he did in fact purchase steroids from HARRIS, approximately totaling 30cc of testosterone. WENGER claimed

This is NOT THE TRUTH and SA Munmeet is FABRICATING INFORMATION while also OMITTING other EXCULPATORY information where I stated what I took was LEGAL and also what I did was LEGAL.

FBI warrant THEN states regarding DAN'S package CONTENTS:

"...sent to the Western Laboratory in Pleasanton, California for testing. A group of these bottles tested positive for Testosterone Enanthate, which is a Schedule III narcotics under Section 812 of the Controlled Substances Act."

SA Munmeet Kuar Kular not only changed the narrative of how the FBI 'developed PC' but they also OMITTED the true origins of Dan's alleged package and CHANGED the contents of the package.

Other Parallel Construction indicators or
 'CLUES':

- Not obvious
- In court documents lumped in with but the connection is ambiguous
- Nature of "connection" is ambiguous
- Coincidence

NOT OBVIOUS HOW CASE ACTUALLY STARTED: No initial probable cause for Devon Wenger listed in DA warrant. DA references info provided by FBI via iCloud prior to the phones being seized (AMIRI and HARRIS)

Meanwhile the FBI OMITS the aforementioned information and instead references information received from AMIRI and HARRIS CELL PHONES they seized the same day WENGER's phone

APD states they received all of WENGER's text messages from 2019 to 2022 from the DA's office.

The media states it all started from an anonymous letter to PPD regarding Burhan (a news article later stated the letter was authored by burhan's ex-girlfriend). (REF: ARTICLE SCREEN SHOT)

My cases LUMPED with ROMBOUGH (who I have spoken out against on multiple occasions, including to the FBI) Amiri (who's use of force incidents I was NOT present for), and Harris (who'

Nature of confidential source for both the INFORMANT (Timothy MANLY-WILLIAMS) and THE LETTER (authored by BURHAN's EX-FIANCÉ) which names Burhan, are both HIDDEN and OI

The COINCIDENCE OF THE LETTER TO PPD, THE LETTER TO PPD was written by BURHAN'S EX-FIANCÉ and she was COERCED by SA ZOBACK. SA ZOBACK discovered Burhan's E and was actually the one taking the classes. THE EX-FIANCÉ WROTE THE LETTER TO PPD FOR IMMUNITY FROM THE FBI, SPECIFICALLY SA ZOBACK, THIS IS WHY THE EX-FIANC

Zoback did not have enough PC to justify the extensive search she was doing into OFFICER's ICLOUDS, so she MADE PC.

THE TRUTH:

APD RETALIATION AGAINST DEVON WENGER:

What's the real investigative origin here? What are they using Parallel Construction to conceal from the court and defense, why? Retaliation, March 3rd, 2022 IA (internal affairs) UOF (use of

This Lieutenant retaliated against me for speaking out against him in an IA with Karen Kramer as the investigator (this IA interview conducted by Karen Kramer interviewing me is where I also reported this to APD administration MULTIPLE TIMES.

I spoke out against APD Admin multiple times to varying levels within the department (IA sergeant, lieutenants, etc) and I spoke out again during the IA interview for the UOF stating the UOF I (specifically SA Krystal Templin) allegedly obtained my SUBSCRIBER INFO SUBPOENA and provided it to Wallace on that SAME DAY (which is impossible because my phone account is enl never provided this information to WENGER, ANY OF WENGER'S LAWYERS, nor to the FBI. Morefield OMITTED this information and TOLLED the IA well after its expiration date citing text i

Additionally, I spoke out against lieutenant MEADS and ERIC ROMBOUGH to SA Zoback and SA Templin to which they replied I should 'write a book,' and they don't 'give a shit about that'. R

As seen in the IA letter ADDRESSED BY CAPTAIN ANTHONY MOREFIELD in the aforementioned screenshot listed above, APD was provided with my text messages by the DA which the DA APPARENT EVIDENCE MISHANDLING on behalf of the PROSECUTORIAL TEAM.

It is import to observe that this letter serves as APD and the City of Antioch's formal notice to Administratively interview me regarding the RETALIATORY UOF IA and the personal text messag

On 6/5/23, I submitted my letter of resignation to Captain Anthony MOREFIELD citing the RETALIATION and other unjust workplace actions I was victim too as my reason for resigning.

In 07/23 APD provided all of the information and material they intended to investigate me on to the FBI including the RETALIATORY UOF IA but OMITTED ALL EXCULPATORY INFORMATIC

This shows a coordinated effort from 3 known parallel investigations from 3 different agencies known to me to fabricate, omit, and misrepresent evidence to deprive me of my civil liberties an individuals took and OATH TO PROTECT. Although deeply disturbed, traumatized, and violated by the actions of the FBI, Contra Costa County District Attorney's Office, the Antioch Police De There is still time to make this right, even for the Federal Prosecutors who are assisting in this case and for the Justice system to hold the TRUE BAD ACTORS accountable who orchestrated

APD Captain Anthony MOREFIELD
FORMER APD Lieutenant Robert Powell Meads
FORMER APD Officer Timothy Manly-Williams
DA Inspector Larry Wallace
DA Diane Becton
Special Agent Thuy Zoback
Special Agent Krystal Templin
Special Agent Munmeet Kuar Kular

ALL REFERENCES CAN BE LOCATED IN THE DROPBOX LINK: <https://www.dropbox.com/scl/fo/tlk05yseqm07hei2ytq354/AE7EZHfQIHDFWONP-Tq3ic?rlkey=a7766xynlz9aem4qc0bo1m>

Devon Wenger



Devon Wenger

Morning texts copied

7 messages

Candice L. Fields

>

Wed, Apr 24, 2024 at 12:16 PM

To: Devon Wenger
Cc: David Fischer

>

Devon -

I copied your follow up texts to email, since it's the kind of substantive content that belongs in an email rather than a text. Your texts, below (so we don't lose the information).

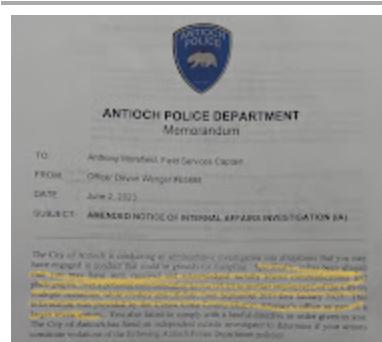
I completely understand. I know you and David are the subject matter experts and ultimately you guys know what works and what doesn't. I also completely understand that the warrant on which my phone was taken is an overt violation of the 4th am and essentially the source of both cases, thus making it the primary target.

I also realized yesterday after dwelling on our text conversation as to why we are setting a trial date. I deducted that it's in order for us to file the motion for the phone and other motions ASAP, but if I'm wrong please correct me.

My intent on bringing parallel construction to your and David's attention is to show you guys that I'm not crazy. I was targeted, this is retaliation, the prosecutorial team (mainly the FBI, DA, and APD) did this whole investigation dirty and that the investigation had lost its merit. I also want us to bring it to the judge's attention so he's aware, cases have been dismissed for this in the past. I also have a list of typical arguments that the prosecutors will try and utilize too. I want everyone to know that what they did was wrong, undermined the criminal justice system, and completely disregarded the constitution. I deeply care about this and I don't want anyone else to have to go through this.

As seen in the IA letter ADDRESSED BY CAPTAIN ANTHONY MOREFIELD in the aforementioned screenshot listed above, APD was provided with my text messages by the DA which the DA received from my SEIZED cell phone. The DA provided APD with my personal text messages from 2019 to 2022 without any type of warrant prior to the FBI seizure of my forensic phone download and the same phone data that the DA provided to APD is what they provided to the FBI. This is APPARENT EVIDENCE MISHANDLING on behalf of the PROSECUTORIAL TEAM.

Candice L. Fields
CANDICE FIELDS LAW, PC



IMG_5880.heic
168K

Candice L. Fields
To: Devon Wenger
Cc: David Fischer <

>

Wed, Apr 24, 2024 at 12:42 PM

>

Devon -

The setting of trial dates is the government's push. They want it sooner and the defense wants it later. Sometimes it's the other way around but here they are pushing because they've had all of the lead time so they are ready and want the advantage. This is normal course in criminal cases. There's nothing unusual here. In federal court, trial dates get set (and later moved) long long before motions get filed. Business as usual.

Candice L. Fields
CANDICE FIELDS LAW, PC

> On Apr 24, 2024, at 9:16 AM, Candice L. Fields
>
>
[Quoted text hidden]
> <IMG_5880.heic>

wrote:

Devon Wenger
To: "Candice L. Fields"

Wed, Apr 24, 2024 at 1:49 PM

Candice,

I understand that they're pushing for an earlier date because they have an advantage; however, I don't want us as the defense to agree to set a date until we are equally as prepared. I don't think we're ready yet.

You bring a valid point that they had an advantage because of lead time, but I think setting this date wouldn't be fair to me until we are also ready to move forward.

I'm also confused as to why we aren't being more aggressive as the defense in contesting the setting of a trial date if we are not ready?

We have more than enough to expose the government's wrongdoing before setting a date, why can't we do that without setting a trial date.

These are just a few of the questions I have for the prosecution:

1-Why can't we ask prosecution on how this investigation actually started?

2-Who's the informant? (Manly)

3-Why are the warrant narratives inconsistent?

4-Where is this anonymous letter to PPD and who wrote it? (Burhan's fiancé)

5-Where is this mysterious Subscriber subpoena for my phone?

6-Where/what is the probable cause for why they chose to look at my text conversations in Dan's iCloud?

We shouldn't have go to trial because we have enough proof, enough evidence and case law to get the phone suppressed, and enough omitted evidence to get both of my cases dismissed.

I ask you to please contest the setting of a trial date for the aforementioned reasons.

Very Respectfully,

Devon

[Quoted text hidden]

Candice L. Fields
To: Devon Wenger

Wed, Apr 24, 2024 at 1:58 PM

Cc: "Candice L. Fields"

>

Devon -

Your lawyers are doing their job! Of course we are pushing for our preferred trial date. Here is the status conference statement containing everyone's positions.

Thank you for the list. I cannot absorb and respond on the spot. I'm assuming you're just making a record for discussion later.

Candice L. Fields
CANDICE FIELDS LAW, PC

[Quoted text hidden]

 **Wenger - 23-CR-269 - Amiri et al status - final.docx - 21214356-0--102405.pdf**
254K

Devon Wenger

To: "Candice L. Fields"
Cc: "Candice L. Fields"

Wed, Apr 24, 2024 at 2:25 PM

Candice,

Thank you for sharing this status conference with me. It provided a better understanding of the overall picture from your legal perspective. I greatly appreciate the input on behalf of my legal team as it pertains to my case.

Yes those are some of the questions I would like us to discuss in the near future.

Lastly, do you know if there is a status conference available for the other case?

Very Respectfully,
Devon Wenger
[Quoted text hidden]

Candice L. Fields

To: Devon Wenger
Cc: "Candice L. Fields"

Wed, Apr 24, 2024 at 2:33 PM

, David Fischer

Devon -

The other case was continued to June 18 by stipulation, per the government's request. We like the delay. Here is the status conference statement and stip. I will try to remember to send you a copy every time a status conference statement is filed (one week before each hearing). I'm not sure yet whether you will need to come out in June. Let's see how things go.

Candice L. Fields
CANDICE FIELDS LAW, PC

[Quoted text hidden]

 **Wenger - Harris status conf stmt 4.23.24.pdf**
162K

Devon Wenger
To: "Candice L. Fields"

Wed, Apr 24, 2024 at 6:02 PM

Yes please, that would be great. I would feel much more in the loop if you could send me the status conference statements, I really appreciate it, thank you Candice.

As for June, sounds good. We will see how everything goes and play it by ear.

Very Respectfully,

Devon Wenger

[Quoted text hidden]



Devon Wenger

Travel itinerary- URGENT

3 messages

Devon Wenger

To: "U.S. Pretrial Services Office District of Hawaii"
 Cc: "Candice L. Fields"
 Bcc: dwenger@my.ggu.edu, my Mom

Tue, Mar 5, 2024 at 5:28 PM

David and the pretrial team,

I hope all is well, per our phone conversation on 2/22/24 you will find my itinerary for my travel plans going into Miami, FL listed below. Flights are subject to change and any changes will be communicated with you as soon as feasibly possible.

My wife and I will be flying into LAX directly from Honolulu on 11 MARCH where we will be staying until tentatively 27 MARCH with my wife's parents (address listed below, the same as per our phone conversation). Tentatively on 27 MARCH, we will be flying directly into Miami where I will then check into their pretrial probation office within 48 hours. I say 'tentatively' because we may fly into Miami sooner than 27 MARCH. Once we confirm, I will communicate the airline, flight number, date, and time. We are still working with the military travel office at this time but our flight from Honolulu to LAX is already confirmed and booked, that flight is:

Hawaiian Airlines flight number HA4 departing HNL on 11 March at roughly 10:20 pm and arriving in LAX at roughly 5:45 am

Jess parent's address (the one I provided per our phone conversation):

While staying with Jess' parents in California, I will be flying on March 18th into Oakland from LAX. I will appear at my court date in person on March 19th and will fly back down to LAX from Oakland on March 20th. That flight is:

Departing March 18th: Southwest flight number 700 out of LAX departing at 20:10 hours and arriving in OAK at 21:30 hours

Returning March 20th: Southwest flight number 1359 from OAK departing at 13:15 hours and arriving in LAX at 14:40 hours

Upon arrival to Miami, FL, Jess and I will be staying in a hotel for the short term further until we are able to find housing. Once we confirm the hotel the Army allows us to stay at, I will communicate the address, room number, and contact information with you. My mom just landed last night in Honolulu and I will be transferring custody of my firearms to her from Honolulu PD firearms unit this week per our phone conversation. Once that is completed, I will send you the documentation that it is done. My mom Samantha will be storing the firearms at her residence in California, it's the same address I provided to you over the phone. We were going to do the transfer this morning, however, I had to unexpectedly

Small Travel Itinerary URGENT
take my dog to the emergency vet for an unforeseen and rapidly onset emergency. My mom's address where the firearms will be stored at is:

Samantha Thomas-Gomez

Contact number:

I check into pretrial in Miami, FL, I will be sure to let you know. If there is anything else I missed or if you have any questions, please let me know. I am being as open and transparent as I can be. Thank you for understanding during this entire move, again this relocation is from the military as my wife is active duty. She is being expediently relocated to receive medical care for worsening health conditions, this relocation was dictated by the Army due to my wife's deteriorating health. Thank you for all of your accommodations and understanding regarding this.

I know my cases will be dismissed soon once the truth surfaces that it is retaliation from my old employer, the Antioch Police Department for me speaking out against a corrupt police lieutenant and all of the exculpatory evidence that has appeared to have been excluded from discovery by the prosecution team is revealed to the court. So please let me know whatever you need from me.

Thank you again for all of your help, please do not hesitate to call me if you have any questions or if anything comes up. I have CC'd my attorney so that we are all on the same page and to avoid any potential confusion or miscommunications.

Very Respectfully,

Devon Wenger

U.S. Pretrial Services Office District of Hawaii
To: Devon Wenger

Tue, Mar 5, 2024 at 7:54 PM

Aloha Devon,

Thank you for the detailed information regarding your upcoming travels.

Please check in with the pretrial office after your court hearing on March 19 and let them know you are moving from Hawaii to Florida. I emailed PSO Bradley Wilson on February 22, when you informed me of your wife's relocation orders, but have not received a response. I emailed him again today and cc'd his supervisor with an update from your email today detailing your relocation plan and dates.

Hold off on reporting to the pretrial office in Miami until you receive instruction from PO Bradley Wilson or another officer in his office since they have to send a courtesy supervision request to the nearest office where you will reside.

Safe travels to you and your wife.

DAVID K. KAHUNAHANA | SENIOR U.S. PROBATION OFFICER
U.S. PROBATION AND PRETRIAL SERVICES | DISTRICT OF HAWAII
DIRECT: 808-541-1341

[Quoted text hidden]

Devon Wenger

Thu, Mar 7, 2024 at 2:53 PM

To: "U.S. Pretrial Services Office District of Hawaii"

Understood, thank you David.

Very Respectfully,

Devon

[Quoted text hidden]



Devon Wenger

Zoom Meeting

1 message

Devon WengerTo: "Candice L. Fields"
Cc: my Mom

Mon, Mar 11, 2024 at 6:43 AM

, David Fischer

Candice and David,

I hope all is well. I am reaching in order to schedule a joint zoom meeting this week with you both.

There are some findings that we need to touch base on and some documents I am requesting to be searched for in the Discovery. I will send this discovery request via email to the both of you here shortly (by Tuesday), so that you have the list of requested documents prior to our meeting date.

Bottom line up front is as I've previously mentioned, both cases are retaliation.

However, I was able to locate proof that the FBI withheld exculpatory evidence from the prosecutors.

I also found that according to the DOJ policy because it is a joint investigation we are entitled to the entire prosecutorial team's communication (including FBI, DA, APD, etc.) regarding my entire case. I would like us to request that.

Additional things I would like to go over:

- DOJ policy and procedure regarding disclosures of prior misconduct from the prosecutorial team
- due diligence of prosecution to seek exculpatory evidence (example: my internal affairs investigation report, with all evidence, I was able to find that only select documents were presented to the prosecution)

Please, let me know what day and time this week works best for both of your schedules. We are traveling Monday night, arriving in LAX Tuesday morning. I am looking forward to our meeting, I think we got some great information!

Very Respectfully,

Devon Wenger



Document Request: Per our meeting

>

Devon Wenger <

Document Request: Per our meeting

1 message

Devon Wenger <

>

To: David Fischer <
Cc: my Mom <

Mon, Mar 25, 2024 at 8:57 PM

>, Candice Fields

Team,

Thank you for meeting with us today. Although we didn't get through everything, I feel we covered the important issues.

Thank you for your time, patience, and dedication.

Below you will find the document request I mentioned in our meeting. If I am able to see it, I would love too, however, I understand I am not able to see everything regarding discovery.

Please let me know if you have any questions or concerns.

Document Request Candice and David:

- Tim Manly William's phone warrants x 3 (Zoback FBI Warrant 5/17/21, iCloud Warrant, FBI Warrant 3/23/22)
- Informant disclosures discovery for Manly/Amiri misconduct. Informant is Manly paid by FBI
- ***ICLOUD WARRANTS for Harris, Amiri, Burhan, and ROMBOUGH***
- Electronic Surveillance documents for monitoring iCloud's. iCloud/text records
- ***Anonymous Letter to PPD***
- Harris package warrant
- ***Devon FBI Subscriber Subpoena***
- Harris, Amiri, and ROMBOUGH phone warrants both state and federal
- ***FBI non-custodial interview with me***
- "Copy of pertinent texts" provided from Zoback to Wallace (see Wallace warrant)
- ALL prosecutorial team communications (FBI, DA, APD, PPD, Prosecution)
- Evidence handling documents
- Prosecutorial misconduct disclosures: Wallace, Zoback, Meads
- Exculpatory evidence (is it in Discovery?): APD IA UOF documents, LT Meads misconduct IA APD, FBI Interview with me.

Very Respectfully,

Devon Wenger



Devon Wenger

Personal response

8 messages

Candice L. FieldsTo: Devon Wenger
Cc: David Fischer

Mon, Aug 5, 2024 at 1:39 PM

>, Nicole Castronovo <

>

Devon -

Please note this email is from me and not vetted by David and also not cc'd to Nicole.

In this morning's email, you suggested I/we might be "putting the dismissal of this case for me in jeopardy and you are not representing my best interests." I know you were under the false impression that I/we wrote the draft status report. To the contrary, I forwarded it to you to ensure I/we do NOT jeopardize a dismissal and to ENSURE we continue representing your best interests. Our loyalty to you will be unwavering, Devon, and it pains and offends me that you think we might do anything else.

It would be preferable if Nicole would show the same priority for your best interest by communicating with us about the current issue. She has, instead, ghosted us. That is contrary to your best interest. Her attitude toward us from our very first contact has been deplorable - the worst I have experienced in 30 years. She has obviously contributed to a breakdown in our relationship with you. It's a shame since, through our combined efforts, your motions in 269 appear to have been positively received.

There is no need for our departure to be fraught with animus. You can rest assured that David and I will do what we can for you in our remaining days regardless and despite of Nicole's failure to contribute to the effort.

Candice L. Fields
CANDICE FIELDS LAW, PC

Candice L. FieldsTo: Devon Wenger
Cc: David Fischer

Mon, Aug 5, 2024 at 2:05 PM

, Nicole Castronovo

I cc'd Nicole. So be it. You will choose to engage, as reasonably requested in prior emails, or not.

I cc'd Nicole on an email to the government asking about the dismissal. They are in trial but I expect they will respond during their break or this evening.

Candice L. Fields
CANDICE FIELDS LAW, PC

> On Aug 5, 2024, at 10:39 AM, Candice L. Fields
>
> Devon -
[Quoted text hidden]

wrote:

Nicole Castronovo
To: "Candice L. Fields"
Cc: David Fischer, Devon Wenger
>

Mon, Aug 5, 2024 at 2:08 PM

Candice -

I was out of the office for weeks dealing with a family emergency. I also just suffered a loss this morning and this was not the first thing I needed to read today.

I find your email extremely unprofessional and more alarmingly - defamatory.

From my first Zoom meeting with you it was clear you were hostile because you were no longer going to be on the case because PORAC decided to cover representation. You easily could have requested to be a PORAC panel attorney to continue representing Devon - but chose not to. I'm guessing because of the rates.

You treated me terribly through the entire transition process and belittled my ideas. Remember the motions you said were moot? Well, I got the government to now say for the first time they won't use derivative evidence and there were a litany of small victories at the hearing you told me not to do. The judge also complimented me on a well-done presentation.

At one point in your representation of Devon you forced me to do a stand-alone motion on the Frank's hearing in less than 2 days. At one point I stayed up for 24 hours just to finish the task because I do care about Devon and his best interest. I took you dropping that motion on me in stride as hazing the young Latina attorney.

I am in shock that an attorney of your age and status would not only feel such vitriol toward a stranger but would put it in writing and not only cc me on it - but send it to MY current client.

I may not be of your generation, but I am a competent attorney and a human who deserves a base level of respect. Something you have never - as this email demonstrates - given.

Cease and desist your slander. I do not want to hear from you again unless it's necessary for Devon.

Take care and I hope that you can find some happiness in life so you won't feel the need to send out such hateful emails.

Wishing you the best.

Get [Outlook for iOS](#)

From: Candice L. Fields

Sent: Monday, August 5, 2024 10:39:40 AM

To: Devon Wenger <

Cc: David Fischer <

>; Nicole Castronovo

>

Subject: Personal response

[Quoted text hidden]

Candice L. Fields

To: Nicole Castronovo

Cc: Devon Wenger

, David Fischer

Mon, Aug 5, 2024 at 2:22 PM

Devon -

Please instruct your attorney to provide a response to our requests for information regarding the 269 hearing. I believe she is reading my emails.

Candice L. Fields
CANDICE FIELDS LAW, PC

On Aug 5, 2024, at 11:08 AM, Nicole Castronovo

> wrote:

[Quoted text hidden]

Nicole Castronovo

To: "Candice L. Fields"
Cc: Devon Wenger

Mon, Aug 5, 2024 at 2:59 PM

, David Fischer

Candice -

Some of us are in court and can't immediately send you what you want. It was a nice touch that you addressed nothing I wrote you including a lack of condolences.

I will get back to you once I'm in the office. Stay classy.

Get [Outlook for iOS](#)

From: Candice L. Fields

Sent: Monday, August 5, 2024 11:22:54 AM

To: Nicole Castronovo <

[com>](#)

Cc: Devon Wenger

>; David Fischer <[d](#)

Subject: Re: Personal response

[Quoted text hidden]

Candice L. Fields <

>

Mon, Aug 5, 2024 at 3:24 PM

To: Nicole Castronovo

Cc: "Candice L. Fields" <

>, Devon Wenger <

>, David Fischer

<

>

Nicole -

You instructed me not to address you unless it was necessary for Devon, while accusing me of being a racist, an ageist, and a greedy and unhappy person. I actually do extend my sincere condolences. I just returned last night from visiting my mom in LA who was recently released from the ER. I am revealing this in an effort to convince you of my sincerity.

How about we de-escalate. I'll leave it to David to communicate, as needed, regarding 269/268.

Candice L. Fields
CANDICE FIELDS LAW, PC

[Quoted text hidden]

Nicole Castronovo <

>

Mon, Aug 5, 2024 at 3:53 PM

To: "Candice L. Fields"

Cc: "Candice L. Fields" <

>, Devon Wenger <

>, David Fischer

Candice -

I wish your mother a speedy recovery. I look forward to speaking with Mr. Fischer.

Take care.

Get [Outlook for iOS](#)

From: Candice L. Fields

>

Sent: Monday, August 5, 2024 12:24:16 PM

To: Nicole Castronovo

>

Cc: Candice L. Fields <

>; Devon Wenger <d

>; David Fischer

< >

Subject: Re: Personal response

[Quoted text hidden]

Devon Wenger <

Mon, Aug 5, 2024 at 5:41 PM

To: "Candice L. Fields" <

Cc: David Fischer <

, Nicole Castronovo <

Bcc: , li

Candice,

Thank you for your opinion, I'm sorry that you feel that way. Sorry to hear about your mother, thank you for sharing, I genuinely wish her a full and quick recovery. Sometimes emails don't correctly convey a message but I will try my best to communicate. This is not an easy email to send, and it weighs heavily on my heart. I would like to provide some insight as to why I have, in fact, become more reserved with you and David but it is not due to Nicole. Your aforementioned comments regarding Nicole were unwarranted, disrespectful, and distasteful, and to be honest, I've noticed your animosity towards her from the beginning.

Initially, I was beyond ecstatic to have you both as my lawyers. I thought you guys were the real deal. However, over the course of almost the last year, my perspective shifted due to several reasons long before Nicole. With you as my legal counsel, I have often been left in the dark regarding my case. Numerous times new discovery batches were not even shared with me. There have been countless times I identified leads, lies, and discrepancies in the allegations brought against me, but neither of you would listen or "fight for me" even though I had hard copy evidence of my claims. Contrary, you told me you had a good relationship with the prosecution—more specifically, Alethea—which I always found concerning but refrained from addressing out of respect for you. For the record, she was also at the motion hearing

It was very difficult for me to fight for my freedom against wrongful prosecution, but I felt that I also had to defend myself against own legal counsel. I know you think Nicole has 'ghosted' you, but she has been out of the office the last few weeks, coming in only for the motion hearing. Not once did you ask how the -269 motion hearing went, and I would've filled you in, but due to your previous animosity and in fear of being billed additionally, I waited for you to inquire for an update, if you deemed it necessary.

Instead that same date you filed a motion to withdraw from -268. I theorize this is what the prosecution is using to hinder dismissal, ultimately transcripts will corroborate their dismissal statements and it is pointless to set trial dates.

Of concern, I have been ghosted by you and David many times. Examples: you didn't answer calls, texts, emails, requests for discovery - but the most recent was when I asked what happens next after the motion submission back in May on a Friday, and you told me you'd answer the following Monday, but you never did. Your responses to me have made me hesitant to even ask for updates on my case because I was always met with animosity or my requests were simply dismissed. When I would simply ask a question, you told me one of my texts takes you 10 minutes to formulate a response, and you have billed me for every question or every discovery you reviewed, but the discovery itself has red flags all over it that should have been caught by my lawyers and many of my questions to you remain unanswered.

Honestly, I'm really grateful that Nicole joined the team. Initially, my intent was to keep you three as my legal team. I had even pleaded PORAC to keep you and David on because at the time I wholeheartedly believed I had the strongest team in the defense. But once you and David told me about the motion hearing being "moot", it was evident you did not have my best interests at heart. I have actually felt like you were looking for a reason to withdraw as my counsel since then. There are many things in discovery that you did not inform me about and I was vaguely billed for in discovery review, that

if used, could have perhaps dismantled the prosecutions' allegations. It was not until May (when Nicole began representing me) that I started receiving the discovery and saw my concerns were valid and within reason.

I genuinely wish our working relationship could have been better, and I look forward to seeing all these cases dismissed. I hope in the future you are able to see that I am, in fact, innocent of all the allegations and how much my rights were violated. It has definitely felt like you have had a bias against me in general because I was falsely indicted or for whatever reason.

Nevertheless, thank you for your time, and I hope this can alleviate some of the misunderstandings regarding me distancing and seeking new counsel. I look forward to your responses to the prosecution pertaining to their dismissal.

Thank you,

Devon Wenger

[Quoted text hidden]